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To : The United States Patent and Trademark Office  
Attn. : The Commissioner of Patents and Trademarks  
From : Dana Rewoldt  
Date : 01 December 1998  
Total Pages : 1+23  
Subject : patent application for Kaster, No. 09/100,516

Dear Sirs,

Attached please find the Information Disclosure of the above-mentioned patent.

Yours sincerely,

Dana S. Rewoldt

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****GROUP 1600**

**Re:** Patent Application for Kaster  
**Serial No.:** 09/100,516  
**Filed:** June 19, 1998  
**For:** Plants and their preparation

**Date:** December 1, 1998  
**Art Unit:** 1649  
**Examiner:**  
**Action:** Information Disclosure with articles along with Form PTO-1449

**To:** The Commissioner of Patents and Trademarks, Washington, DC 20231

The documents identified on the attached for PTO-1449 have come to the attention of the undersigned in connection with the subject application. Copies of these documents are also attached, unless otherwise indicated below, and it is respectively requested that they be made of record in this proceeding. The identification of these documents is for the purpose of meeting Applicant's duty of disclosure under 37 C.F.R. 1.56 and is not intended to be an admission that any of these documents constitute prior art as to the invention disclosed in the subject application.

**REFERENCES**

<u>Journal</u>	<u>Author</u>	<u>Title</u>
Theor Appl Genet (1994)	E. Frascaroli et al	Haplo-diploid gene expression and pollen selection for tolerance to acetochlor in maize
Sex Plant Reprod (1989)	M.S. Gorla et al	Herbicide-tolerant corn by pollen selection
J. Genet & Breed (1992)	E. Frascaroli et al	Variability of pollen and plant responses to glyphosate in maize

**REMARKS**

The papers of Frascioli et al., Theor Appl Genet (1994) 88: 780-784, and of Gorla et al., Sex Plant Reprod (1989) 2: 65-69 do indeed have elements in common with the experimental methods used in

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the present invention, in that these authors applied herbicides (acetochlor and chlorsulfuron respectively) to developing pollen, observed shifts in the herbicide sensitivity of pollen produced.

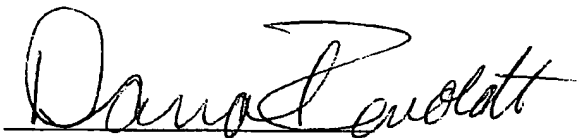
These authors were investigating the behaviour of natural plant material when exposed to herbicide pressure. In contrast, the present invention concerns effects on non-naturally occurring, transgenic material.

Whilst Gorla et al does describe a number of potential applications, at least in general terms, all of these depend on selection at the gametopytic (pollen) to increase the frequency of naturally occurring genes for favorable traits, specifically herbicide tolerance and stress tolerance.

The third paper - that of Frascaroli et al, J. Jenet & Breed. 46: 49-56 - showed that the response of isolated corn pollen to glyphosate herbicide was related to the response of the whole plant which produced it. From crossing experiments between inbred lines which showed natural variation in tolerance to this herbicide, they showed that some, at least, of this variation was heritable.

It is believe that there has been no disclosure of the invention as claimed. Accordingly, examination of the claims on the merits and allowance of the application as filed are earnestly requested.

Respectfully submitted,



Dana Rewoldt, #33,762

Garst Seed Company

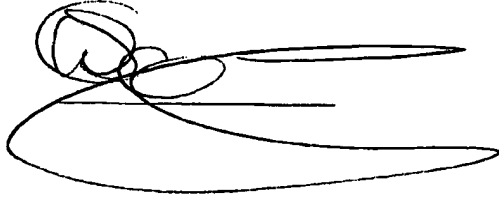
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**CERTIFICATE OF FACSIMILE UNDER 37 C.F.R. 1.8**

I hereby certify that the attached Information Disclosure is being sent to The Commissioner of Patents and Trademarks, Washington, DC 20231, by facsimile transmission, on this first day of December 1998.

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke.